

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as amended and in light of the following comments, is respectfully requested.

Claims 29-50 and 54-56 are pending in this application. Claims 29 and 49-50 are amended, Claims 51-53 are canceled without prejudice or disclaimer and Claims 54-56 are new. Support for the amendments to the claims is found in the originally filed disclosure, including the claims, the specification at least on page 5, lines 23-31, page 28, lines 12-19 and page 27, lines 15-19 and the drawings at least in Figs. 1-2. No new matter is added.

In the outstanding Office Action, the Title was objected to, Claims 29 and 49 were objected to, Claims 50-53 were rejected under 35 U.S.C. §101; Claims 29, 33-39, 43, 46 and 49-52 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. 6,593,956 (Potts); Claims 30 and 31 were rejected under 35 U.S.C. §103(a) as unpatentable over Potts in view of U.S. 6,408,301 (Patton); Claims 32, 47 and 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over Potts; Claims 40-42 were rejected under 35 U.S.C. § 103(a) as unpatentable over Potts in view of U.S. 6,297,846 (Edanami); and Claims 44 and 45 were rejected under 35 U.S.C. §103(a) as unpatentable over Potts in view of U.S. 2003/0035479 (Kan).

Initially, Claim 50 is amended to comply with Office policy, as noted on pages 2-5 of the Office Action, regarding 35 U.S.C. §101 and Claims 51-53 are canceled without prejudice or disclaimer. Accordingly, it is respectfully submitted the rejection is overcome and should be withdrawn.

As amended, Claim 29 defines a face detector for detecting human faces in images captured by an image capture device. The face detector generates face data identifying detected occurrences of faces in the captured images and is responsive to a lens focus and a zoom setting to obtain an expected face size within the captured images. Based on an

assumed average size for a human face, an accurate estimation of the size of a face in pixels can be made, which consequently reduces processing burden for scale-invariant face recognition as well as improving the performance of any processing that is performed.¹ It is respectfully submitted the cited references are deficient in disclosing or reasonably suggesting a face detector which is responsive to a lens focus and a zoom setting to obtain an expected face size within captured images as required by Claim 29.

In particular, contrary to Claim 29, Potts merely describes a process of correcting a range finding error, where a range value is used to set a camera zoom.² Specifically, Potts describes detecting a face, then adjusting the size of the detected face to fall within a predetermined face size. However, the face detecting in Potts is not responsive to a lens focus and a zoom setting to obtain an expected face size, as required by Claim 29. Contrast Potts, as noted above, with the specification at page 28, lines 12-19.

None of the other cited references overcome the above-noted deficiencies of Potts.

Therefore, in light of the above-noted distinction, it is respectfully submitted Claim 29 is allowable over the art of record. Although varying in scope and directed to a different statutory class, it is respectfully submitted Claim 49 is also allowable over the cited references for substantially similar reasons as noted above regarding Claim 29. Therefore, it is respectfully submitted the rejection(s) of Claims 29 and 49 (and any claims depending therefrom) should be withdrawn.

Lastly, the Official Notice taken on page 13 regarding the rejection of Claim 32 is respectfully submitted to be moot since Claim 32 is allowable by virtue of depending from Claim 29. Applicant reserves the right to traverse the Official Notice in a next Office Action.

¹ Specification, page 5, lines 23-31 and page 28, lines 12-19.

² Potts, column 21, lines 42-67, Figs. 18-19.

Consequently, it is respectfully submitted this application is in condition for allowance. Should the Examiner disagree, the Examiner is encouraged to contact the undersigned to discuss any remaining issues. Otherwise, a timely Notice of Allowance is respectfully requested.

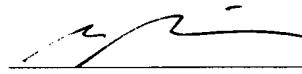
Respectfully submitted,

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